

**REMARKS**

This paper is being provided in response to the Office Action dated November 9, 2010, for the above-referenced application. In this response, Applicants have amended claim 3 to clarify that which Applicants consider to be the presently-claimed invention. Applicants respectfully submit that the amendments to the claims are fully supported by the originally-filed specification, consistent with the discussion herein. Further, as discussed herein, Applicants submit herewith a copy of Applicants' JP priority document 2003-356855 filed October 16, 2003 (Appendix A) and a certified translation of JP 2003-356855 (Appendix B).

The rejection of claim 3 under 35 U.S.C. 101 as being directed to non-statutory subject matter has been addressed by amendments contained herein. Claim 3 has been amended to recite a non-transitory computer readable medium. Applicants refer to the Notice from Director Kappos entitled "Subject Matter Eligibility of Computer Readable Media" dated February 23, 2010 appearing in 1351 OG 212. Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

The rejection of claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent App. Pub. No. 2006/0129628 to Kamiya et al. (hereinafter "Kamiya") in view of U.S. Patent App. Pub. No. 2005/0033515 to Bozzone (hereinafter "Bozzone") is hereby traversed and reconsideration is respectfully requested in view of the remarks herein.

Independent claim 4 recites a mobile communication terminal including a first memory and a second memory for storing data. An operating system is arranged to access data stored in

said first memory. An application execution environment is executable on said operating system and executes a platform-independent application having access to data stored in said second memory. A 3-axis magnetic sensor and a 2-axis acceleration sensor are used as sensors for detecting at least one of position, direction, attitude and movement of the mobile communication terminal in connection with at least one axis of a coordinate system in accordance with a detection instruction generated by said application execution environment according to a description of said platform-independent application. A memory processor stores detection result data acquired based on detection results by said sensors in said first memory, wherein the detection results include information concerning changes to the at least one of position, direction, attitude and movement of the mobile communication terminal in connection with the at least one axis. A data transfer device transfers the detection result data stored in the first memory to the second memory according to a data transfer instruction from the application execution environment, wherein said application execution environment executes said platform-independent application using the detection result data stored in said second memory. Claims 9 and 10 depend from independent claim 4.

Independent claim 5 recites a mobile communication terminal including an operating system arranged to access data stored in a first memory. An application execution environment is executable on said operating system and executes a platform-independent application having access to data stored in a second memory. A detection device detects at least one of position, direction, attitude and movement of said mobile communication terminal in connection with at least one axis of a coordinate system. A data processor performs a data process of assigning the detection data of said detection device to predetermined arithmetic expression for calculation and storing the calculation result data in said first memory, wherein the detection data includes

information concerning changes to the at least one of position, direction, attitude and movement of the mobile communication terminal in connection with the at least one axis. A data transfer device transfers the calculation result data stored in the first memory to the second memory according to a data transfer instruction from the application execution environment, wherein said application execution environment executes the platform-independent application using the calculation result data stored in said second memory. Claims 8-10 depend from independent claim 5.

Independent claim 6 recites a mobile communication terminal including an operating system arranged to access data stored in a first memory. An application execution environment is executable on said operating system and executes a platform-independent application having access to data stored in a second memory. A detection device detects at least one of position, direction, attitude and movement of said mobile communication terminal in connection with at least one axis of a coordinate system. A data processor performs data processes of linking mutually between detection data of said detection means or data calculated from this detection data and other data acquired by means other than said detection means, and storing the linked data in said first memory, wherein the detection data includes information concerning changes to the at least one of position, direction, attitude and movement of the mobile communication terminal in connection with the at least one axis. A data transfer device transfers the linked data stored in the first memory to the second memory according to a data transfer instruction from the application execution environment, wherein said application execution environment executes the platform-independent application using said linked data stored in said second memory. Claims 8-10 depend from independent claim 6.

Independent claim 7 recites a mobile communication terminal including an operating system arranged to use data stored in a first memory. An application execution environment is executable on said operating system and executes a platform-independent application having access to data stored in a second memory. A detection device detects at least one of position, direction, attitude and movement of said mobile communication terminal in connection with at least one axis of a coordinate system. A data processor performs a data process of specifying at least two of detection data of said detection device or data calculated from the detection data, which meet predetermined conditions, and storing the specified data in said first memory, wherein the detection data includes information concerning changes to the at least one of position, direction, attitude and movement of the mobile communication terminal in connection with the at least one axis. A data transfer device transfers the specified data stored in the first memory to the second memory according to a data transfer instruction from the application execution environment, wherein said application execution environment executes the platform-independent application using said specified data stored in said memory means. Claims 8-10 depend from independent claim 7.

The Kamiya reference is a U.S. patent application publication which was nationalized in the US from International Application No. PCT/JP03/06218 filed May 19, 2003, which was published as WO 03/098432 A1 on November 27, 2003. WO 03/098432 A1, however, was published in the Japanese language. Accordingly, since the International application WO 03/098432 A1 was not published in English, the effective prior art date of Kamiya reference is its publication date June 15, 2006, which post-dates Applicants' filing date of the present application. WO 03/098432 A1 is prior art against the present application as of its date of publication (November 27, 2003) (it is also noted that the underlying Japanese priority document

of Kamiya, JP 2002-145281, was published on November 28, 2003 as JP 2003-337631). For reference, Applicants refer to the 102(e) flow chart published by the USPTO at <http://www.uspto.gov/web/offices/dcom/olia/aipa/102eflowchart.pdf>.

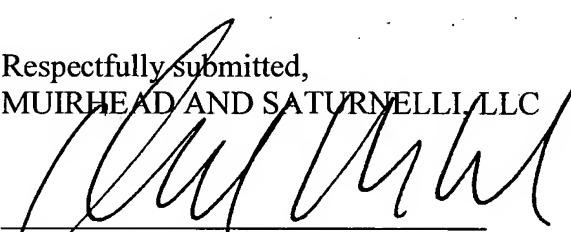
Applicants' earliest priority claim is to JP 2003-356855 filed October 16, 2003, and is a priority claim that has been made in accordance with all PCT priority claim requirements and which is recognized by the USPTO for the present application (see Filing Receipt). Applicants' earliest priority claim antedates the effective prior art date of the WO 03/098432 A1 reference.

Applicants attach hereto, as Appendix A, a copy of the priority document JP 2003-356855 (that was published as JP 2005-123903). Applicants also attach, as Appendix B, a certified translation of JP 2003-356855. Applicants respectfully submit that at least the independent claims of the present application are fully supported by the priority document JP 2003-356855. Applicants refer, for example, to paragraph [0009] of Appendix B that discloses features of present independent claim 1 and particularly that the application execution environment executes said platform-independent application using the detection result data stored in said second memory means, as is recited by Applicants. Other disclosure throughout Appendix B supports the presently-claimed features.

Accordingly, Applicants respectfully assert priority to a date that antedates the earliest effective priority date of the Kamiya reference (including the underlying PCT publication and Japanese priority document publication thereof). In view of the above, Applicants respectfully submit that Kamiya be removed as a reference applied against the claims of the present application, and any rejections of the present claims using Kamiya be withdrawn.

Based on the above, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections and objections. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 508-898-8603.

Respectfully submitted,  
MUIRHEAD AND SATURNELLI, LLC

  
Donald W. Muirhead  
Registration No. 33,978

Muirhead and Saturnelli, LLC  
200 Friberg Parkway, Suite 1001  
Westborough, MA 01581  
Phone: (508) 898-8601  
Fax: (508) 898-8602